

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 CIAE-00  
INR-07 NSAE-00 SIL-01 LAB-04 JUSE-00 OMB-01 /055 W  
-----151806Z 042672 /53

R 151601Z MAR 77  
FM AMEMBASSY ROME  
TO SECSTATE WASHDC 3357  
AMCONSUL MUNICH  
SECDEF WASHDC  
CINCUSNAVEUR LONDON

C O N F I D E N T I A L SECTION 1 OF 2 ROME 4198

E.O. 11652: GDS  
TAGS: MILI, ELAB, IT  
SUBJECT: LABOR RELATIONS PROBLEMS OF U.S. FORCES IN ITALY

REF: A. ROME 3520, B. STATE 54242

1. THE EMBASSY'S TELEGRAM (REFTEL A) DID NOT INTEND TO IMPLY THAT THERE IS AN URGENT AND CRITICAL CONFRONTATION IN THE OFFING WITH THE MFA OVER U.S. FORCES LABOR RELATIONS IN ITALY. MANZARI'S MOTIVES FOR CALLING THE MEETING WITH THE CHARGE ARE STILL A MYSTERY. HE HAS A REPUTATION FOR BEING ONE OF ITALY'S OUTSTANDING LEGAL MINDS AND FOR NEVER DISCUSSING AN ISSUE WITHOUT CAREFULLY BRIEFING HIMSELF. CERTAINLY IN THIS INSTANCE HE HAD NOT EXAMINED THE MATTER WITH ANY GREAT CARE. THE ONLY SPECIFIC CASE HE MENTIONED WAS ONE THAT THOUGH IMPORTANT TO US ON PRINCIPLE CAN HAVE LITTLE INTEREST TO THE GOI. HOWEVER, HAVING OPENED THE DIALOGUE IT IS SAFE TO ASSUME MANZARI WILL WANT TO CONTINUE IT. BUT BEFORE HE GETS TO THE POINT WHERE HE WANTS TO BEGIN DISCUSSING SOLUTIONS, WE WANT TO BE CERTAIN THAT HE UNDERSTANDS THE PROBLEM.

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2. THE EMBASSY'S TELEGRAM INDICATED THAT WE PLANNED TO PROVIDE MANZARI WITH BACKGROUND MATERIAL TO BEGIN THE EDUCATIVE PROCESS. WE NATURALLY INTENDED TO GO NO FURTHER WITHOUT CAREFUL CONSULTATIONS WITH THE DEPARTMENT. HOWEVER SINCE THE DEPARTMENT'S TELEGRAM SEEMS TO SUGGEST THAT WE SHOULD HAVE NO FURTHER CONTACTS ON THIS SUBJECT WITH THE GOI WITHOUT SUBMITTING

RECOMMENDED COURSES OF ACTION FOR CONSIDERATION, WE WILL PROVIDE NO MATERIAL TO MANZINI UNTIL WE HAVE THE DEPARTMENT'S APPROVAL. AS WE TENTATIVELY FEEL OUR WAY INTO THIS MATTER, WHERE WE AGAIN EMPHASIZE IT IS BY NO MEANS CLEAR WHAT THE GOI HAS IN MIND, THERE ARE A NUMBER OF PRELIMINARY STEPS WE BELIEVE SHOULD BE TAKEN.

A. WE NEED TO KNOW WHERE WE STAND. THE EMBASSY'S IN-HOUSE MEETING PLANNED FOR THIS WEEK IS INTENDED TO DO JUST THAT. WE INTEND TO EXAMINE TO WHAT EXACT EXTENT THE LABOR PRACTICES OF THE U.S. FORCES IN ITALY DEVIATE FROM THE REQUIREMENTS OF ITALIAN LAW (MANZARI SEEMS TO BELIEVE THAT IT IS CONSIDERABLE -- WE THINK NOT). FROM THAT EXAMINATION WE MAY BE ABLE TO MAKE SUGGESTIONS TO THE DEPARTMENT AND TO THE DOD AS TO WHERE CHANGES MAY BE POSSIBLE.

B. WE SHOULD HELP TO EDUCATE MANZARI. IN ORDER FOR HIM TO BECOME A VALED INTERLOCUTOR HE SHOULD UNDERTAND:

(1) WHAT OUR LABOR PRACTICES ARE, WHERE WE DIVIATE FROM ITALIAN LAW (IF WE DO SIGNIFICANTLY) AND WHAT IMPEDIMENTS LEGAL AND OTHERWISE THERE ARE TO OUR STRICT CONFORMANCE WITH ITALIAN PRACTICES;

(2) WHAT KIND OF LABOR DISPUTES FACE US: BRIEF DESCRIPTIONS OF TYPICAL CASES IN WHICH WE HAVE BEEN INVOLVED OVER THE PAST YEAR WOULD BE HELPFUL TO INDICATE THE AREAS OF DISPUTE, OUR SIDE OF THE STORY, AND THE OCCASIONAL EVIDENCE OF LCAL (OR POSSIBLY EVEN CONFIDENTIAL

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GUIDED) POLITICAL MOTIVATION FOR THE SUITS;

(3) WHAT AGREEMENTS EXIST UNDER WHICH THE U.S. MAINTAINS FORCES IN ITALY; THE AGREEMENTS ARE CLASSIFIED LARGELY AT THE REQUEST OF THE GOI: IN OUR VIEW THE GOI SHOULD FIND WAYS TO MAKE THE PERTINENT PROVISIONS OF THOSE INTERNATIONAL AGREEMENTS AVAILABLE TO OUR DEFENSE OR OTHERWISE EXEMPT THE U.S. FORCES FROM THOSE PROVISIONS OF ITALIAN LABOR LAW WHICH CONFLICT WITH THOSE (PRESUMABLY OVERRIDING) INTERNATIONAL AGREEMENTS.

C. IN THE PROCESS OF PUTTING OUR OWN HOUSE IN ORDER, WE BELIEVE THE DEPARTMENT OF JUSTICE OUGHT TO CONSIDER REORGANIZING ITS REPRESENTATION IN ITALY. THE DEPARTMENT OF JUSTICE RETAINS ONE FIRM IN ITALY (ARDITO) WHICH IN ADDITION DEFENDS THE U.S. IN LITIGATION ARISING FROM SUITS BROUGHT AS THE RESULT OF LABOR DISPUTES AT U.S. MILITARY FACILITIES. AS WE HAVE OBSERVED OVER THE PAST MONTHS, THE ARRANGEMENT DOES NOT SEEMS TO WORK TO OUR

BEST ADVANTAGE.

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R 151601Z MAR 77  
FM AMEMBASSY ROME  
TO SECSTATE WASHDC 3358  
AMCONSUL MUNICH  
SECDEF WASHDC  
CINCUSNAVEUR LONDON

C O N F I D E N T I A L SECTION 2 OF 2 ROME 4198

THE GREAT BULK OF THE LABOR CASES  
THAT HAVE COME TO OUR ATTENTION ARE BROUGHT AND  
TRIED IN PROVINCIAL CITIES WHERE WE HAVE MAJOR  
INSTALLATIONS. THESE ARE ALL AT SOME DISTANCE FROM  
ROME WHERE ARDITO MAINTAINS HIS OFFICES.. ACTUAL  
REPRESENTATION IS OFTEN UNDERTAKEN BY CORRESPONDENT  
ATTORNEYS SELECTED BY ARDITO. IN ONE PROMINENT INSTANCE,  
AT THE HEIGHT OF THE DISPUTE AT MARTINA FRANCA IN  
AUGUST 1976, WE WERE UNABLE TO FIND AMEMBER OF THE  
ARDITO FIRM OR ITS LOCAL CORRESPONDENT. APART FROM THE  
MATTER OF AVAILABILITY THERE IS A QUESTION AS TO THE  
AMOUNT OF EFFORT WHICH ARDITO AND HIS CORRESPONDENTS  
CAN USEFULLY DEVOTE TO OUR CASES. THE ITALIAN SYSTEM OF  
JUSTICE IS PERHAPS MORE FLEXIBLE THAN MOST AT THE LCOAL  
LEVEL. MUCH DEPENDS ON THE RELATIONSHIPS BETWEEN THE  
DEFENDING ATTORNEY, THE PROSECUTOR AND THE PRESIDING  
MAGISTRATE. THESE RELATIONSHIPS CANNOT BE DEVELOPED FROM  
ROME. OUR EXPERIENCE OF THE PAST TWO YEARS WOULD  
SUGGEST THAT THE DEPARTMENT OF JUSTICE SHOULD CONSIDER  
RETAINING DIFFERENCE LEGAL COUNSEL IN EACH OF THE CITIES  
WHERE WE HAVE OUR MAJOR MILITARY FACILITIES, NAPLES,  
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BRINDISI, VICENZA, CATANIA, AND THAT THESE ATTORNEYS BE SELECTED IN CONSULTATION WITH THE EMBASSY AND THE LOCAL MILITARY COMMANDS ON THE BASIS OF LOCAL REPUTATION AND EXPERIENCE IN LABOR MATTERS. THE EMBASSY DOES NOT OF COURSE WISH TO CREATE IMPEDIMENTS IN THE RELATIONSHIP BETWEEN THE DEPARTMENT OF JUSTICE AND ITS LEGAL REPRESENTATION IN ITALY. HOWEVER, THERE ARE TWO AREAS IN THE EVOLUTION OF LABOR CASES WHERE WE BELIEVE A RE-EXAMINATION OF CURRENT PROCEDURES MAY BE WORTH CONSIDERING. IN THE INITIAL PREPARATION OF A CASE THE ITALIAN ATTORNEY IS PROVIDED A LITIGATION REPORT BY THE COMMAND INVOLVED. THERE IS LITTLE OR NO FURTHER CONTACT BETWEEN THE ATTORNEY AND THE COMMAND IN THE PREPARATION OF THE CASE. IT WOULD BE USEFUL IN OUR VIEW TO STRENGTHENING THE CASE IF THERE WERE CONSULTATIONS BETWEEN THE ATTORNEY AND MEMBERS OF THE COMMAND WHO CAN PROVIDE THE KIND OF BACKGROUND INFORMATION THAT DOES NOT APPEAR IN THE LITIGATION REPORT. PERHAPS MORE IMPORTANT HOWEVER IS ESTABLISHING A REGULAR SYSTEM OF FEEDBACK FROM THE ATTORNEY TO THE COMMAND AND TO THE UNITED STATES STATE SENDING OFFICE AT THIS MISSION. IT WOULD BE HIGHLY USEFUL TO THE COMMANDS TO KNOW, FOR EXAMPLE, THE BASIS UPON WHICH A CASE WAS LOST (OR WON), TO HAVE COPIES OF THE RECORD, IN ORDER TO BE ABLE WHERE POSSIBLE TO CORRECT PRACTICES THAT MAY HAVE BEEN THE BASIS OF THE SUIT. AND IT IS IMPORTANT IN OUR VIEW THAT THAT KIND OF INFORMATION BE MADE ROUTINELY AVAILABLE TO THE USSSO IN ORDER THAT THIS MISSION BE KEPT ABREAST OF THESE DEVELOPMENTS WHICH INCREASINGLY IMPACT UPON BROADER U.S. INTERESTS IN ITALY.

3. THE EMBASSY WOULD APPRECIATE THE DEPARTMENT'S ADVICE AND COMMENT. BEAUDRY

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## Message Attributes

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